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In re Application of	:	
RAY	:	
Application No.: 09/807318	:	DECISION ON
PCT No.: PCT/US98/14146	:	
Int. Filing Date: 09 July 1998	:	PETITION UNDER
Priority Date: 09 July 1997	:	
Attorney's Docket No.: 203-2368 PCT	:	37 CFR 1.137(b)
For: Interbody Device And Method For Treatment	:	
Of Osteoporotic Vertebral Collapse	:	

This is a decision on applicants' "Petition Under 37 CFR 1.137(b)" filed on 26 October 2000.

BACKGROUND

International application PCT/US98/14146 was filed on 09 July 1998, and claimed an earlier priority date of 09 July 1997. A Demand electing the United States was filed prior to the elapse of 19 months from the priority date. Accordingly, the thirty month period for paying the basic national fee in the United States expired as of midnight on 09 January 2000. The international application became abandoned with respect to the United States for failure to timely pay the basic national fee.

On 26 October 2000, applicants filed the instant petition.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed; (2) the petition fee as set forth in § 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Regarding requirement (1), the petition is not accompanied by the required

reply in the form of the basic national fee.

Requirement (2) has been satisfied by the payment of the required petition fee.

Regarding requirement (3), the petition includes an appropriate statement.

Concerning requirement (4), no terminal disclaimer is required in this case, since the international filing date of PCT/US97/24166 was later than 8 June 1995.

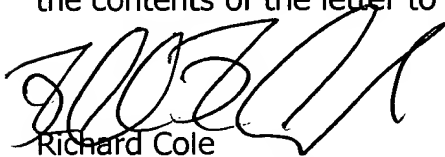
Since the required reply has not been filed, it would not be appropriate to grant the requested relief on the basis of the present record.

CONCLUSION

The petition under 37 CFR 1.137(b) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Submission Under 37 CFR 1.497(d)". No additional processing fee is required. Extensions of time are available under 37 CFR 1.136(a).

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Box PCT, Washington, DC 20231, and address the contents of the letter to the attention of the PCT Legal Office.



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